

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

**GARY P. MCKEE,**

**Plaintiff,**

vs.

**CASE NUMBER: 1:09-CV-388 (GTS/DRH)**

**WARREN S. ORLANDO**, Chairman,  
1<sup>st</sup> United Bank, **RUDY E. SCHUPP**,  
**JOHN MARINO**, COO/CFO 1<sup>st</sup> United  
Bank, **DARRYL HAIRSTON**,  
Acting Administrator, SBA,

**Defendants.**

**Decision by Court.**

This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Plaintiff's motion for leave to proceed *in forma pauperis* is DENIED; and it is further

ORDERED AND ADJUDGED that Plaintiff's complaint is *sua sponte* DISMISSED, pursuant to Fed. R. Civ. P. 12(h)(3) and 28 U.S.C. § 1915(e)(2)(B)(i),(ii), based on (1) the doctrines of res judicata and collateral estoppel; (2) the doctrine of standing; and (3) the doctrine of forum non-conveniens.

All of the above pursuant to the order of the Honorable Judge GLENN T. SUDDABY, dated the 9<sup>th</sup> day of April, 2009.

DATED: April 9, 2009

  
Clerk of Court

s/

L. Welch  
Deputy Clerk